

PROCUREMENT AND CONTRACT FORMS

GENERAL CONDITIONS

DIVISION ONE

FRONT ENDS FOR MODERNIZATION AND
DEVELOPMENT OF STATE-AIDED PUBLIC HOUSING
BUILDING RELATED PROJECTS
\$25,000 - \$100,000

9/09/09

Massachusetts Department of
Housing and Community Development



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CHAPTER 149 BIDDING REQUIREMENTS

Procurement & Contract Forms

FOR BUILDING RELATED PROJECTS BETWEEN

\$25,000 – \$100,000

INSTRUCTIONS TO AWARDING AUTHORITIES

If you have any questions regarding the appropriate bidding statutes consult with your DHCD Project Manager.

- ✱ The instructions in this guide are supplemented by comments on some of the documents. *The comments are included on the documents in blue hidden text.* Turn on Hidden Text while working on the documents to read the instructions. Be sure to turn off the print hidden text feature before printing the final version of each document.
- ✱ The instructions will take you through each of the necessary documents so that you can complete the Project Manual. Please read these instructions carefully, modify each section as instructed to meet the requirements for your particular project. We suggest you read through these instructions completely before starting as that may help answer questions that may be answered in subsequent sections.
- ✱ The form and content of much of the attached material is mandated by the Commonwealth's public bid laws, so your careful attention to these requirements can help prevent costly delays or claims during the bidding or construction periods. DO NOT edit documents provided in **PDF** format.



We have included icons to identify items that are required by Massachusetts General Law and items that are required by promulgated regulations.

- ✱ The goal is to speed up Construction Document preparation and Design Review. To help we have placed icons **Word** next to document titles that require modification and edits and **PDF** next to document titles provided in PDF format. Please copy the pdf documents as you find them, this will expedite DHCD review. Modifying the documents (for example adding special headers or footers) will slow the DHCD review process as each page must then be individually reviewed.

During construction editable copies of all documents are available on the DHCD website www.mass.gov/dhcd.

- ✱ Ask the DHCD Project Manager if you have questions about the forms or any other matters during the bidding phase of the project. The front ends are updated on a regular basis, be sure you are using the **most current documents**.
- ✱ Bid document distribution may be done by the LHA or the LHA may use the services of a firm that specializes in Bid Document distribution. Consult with your project manager if you desire additional information about this process.

DCAM Contractor Certification is not required for projects under \$100,000

Filed Sub-bids are not required for project under \$100,000

- ✱ We ask that you not change the footers since that information helps us speed up our reviews. As for the sections that require modification, we ask that submissions include these modifications highlighted in some way, either colored text or some other defined way for us to quickly identify the modifications.

BID PACKETS

Prepare Bid Packets to provide to prospective bidders when they pick up Contract Documents.

Include the following in these packets:

☐ **BID FORMS**

1. Three (3) copies of 00.41.13 Form for General Bid,

☐ **BIDDERS CHECKLIST**

1. Include the Bidders Checklist in the Bid Form Packets.
2. This Checklist is to assist bidders with bid preparation and help them avoid technical bid mistakes.
3. The Checklist is not part of the Bid Form and, therefore,
is NOT REQUIRED TO BE SUBMITTED WITH THE BID but should a bidder include it with a bid it does not void the bid.

Should bidders request only Bid Packets, please provide them free of charge.

PROJECT MANUAL

☐ The Project Manual consists of the following:

- 1. Procurement and Contract Forms**

Advertisement,
Instructions to Bidders
Bid Forms,
Contract Forms,

- 2. General Conditions of the Contract**, and any Supplementary Conditions,

- 3. Division 1 General Requirements**, and

- 4. Division 2 – Technical Specifications.**

☐ We have included samples of all the required forms. Please review, modify if required, and include each form in the Project Manual.

These instructions explain what to do with each form.

00.01.00

PROJECT MANUAL COVER/TITLE SHEET Word

- ☐ Modify as required for this specific project.
 - ☐ Include a very Brief Description of the Work for example **Fire Alarm Upgrade**
 - ☐ Include the Name of the Development and Number for example Prescott 667-1
 - ☐ Include the Address of the Work Site
 - ☐ Electronic versions can be found on the DHCD web site at www.mass.gov/dhcd.

00.01.10

TABLE OF CONTENTS Word

- ☐ Modify as required for this specific project. Electronic versions of a sample Table of Contents can be found on the DHCD web site www.mass.gov/dhcd.
- ☐ Insert Technical Specification information into the Table of Contents.
- ☐ Include a List of All Drawings at the end of the list of Technical Specification sections

PROCUREMENT & CONTRACT FORMS

All of the possible Forms and Contracts are provided on the DHCD Web Page www.mass.gov/dhcd. Most of the forms are available in PDF format these should be printed and included in the Project Manual as you find them. There are at least three forms that require modification for every project these are available in MSWord format. Modify the form to suit the specifics of the project and include the forms in the project manual.

PROCUREMENT FORMS

00.11.25

ADVERTISEMENT Word

Advertisement Preparation

1. A sample Form for Advertisement is provided in this package. Modify to fit the specific project (**Bolded Items require modification or additional information**). Electronic versions can be found on the DHCD web site www.mass.gov/dhcd.

Do not shorten this advertisement.

DESIGNERS GUIDE ♦ DHCD FRONT ENDS

• PROCUREMENT AND CONTRACT FORMS

c.149 Building Related Projects \$25,000 - \$100,000



The sample represents the minimum information required to meet the provisions of M.G.L. c.149 §44J.

Do Not make other changes or deletions to this document unless the DHCD Project Manager so instructs you. There is statutorily required information in this form, omitting information can result in a legally mandated re-bid.

The Advertisement must include:

- ❑ Description of Project;
- ❑ Estimated Cost of Construction;
- ❑ Prevailing Wage Language;
- ❑ Where & When Plans & Specs are Available;
- ❑ Where & When to Submit Bids;
- ❑ Other Pertinent Information, such as :
 - ❑ ***MBE/WBE Information If Required for this Job***
 - ❑ Availability of Site for Inspection
 - ❑ Pre-Bid Conference

2. Review the Bidding Schedule with the LHA and DHCD Project Manager before preparing the Advertisement.
3. Bid openings are best scheduled for 2 o'clock to allow the morning for bid preparation.
4. The Advertisement is the document where bidders look for MBE-WBE requirements that make the MBE-WBE Requirements enforceable.
 - ❑ If MBE-WBE Participation requirements are not spelled out in the Advertisement, the requirement cannot be imposed after the fact.



Advertisement Publishing

1. This Advertisement shall be published in a newspaper of general circulation in the locality of the proposed project once, two weeks before the first bid opening. Coordinate with the DHCD Project Manager and LHA to determine who will place the ad and in which publication(s).
2. A notice of Bidding Opportunity must appear in the Central Register.
3. The DHCD Project Manager will place the notice in the Central Register.
4. The Advertisement must also be posted in a conspicuous place in or near the Housing Authority office one week before the bid opening.

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5. Send the Ad and copies of the plans and specifications to any of the listed periodicals. These periodicals are all free to Awarding Authorities.

BIDDING PERIODICALS

McGraw -Hill Construction Designers Deliver Plans to: 34 Crosby Dr Bedford, MA Phone (781) 430-2001 Fax: (877) 558-8282 Email Addenda to: dodge_reocna@mcgraw-hill.com For more information about Dodge Reports go to www.construction.com	<i>Publishes Bidding Opportunities in Eastern Mass and Worcester County</i> <i>Operates a Plan Room in Woburn, MA</i> <i>No Charge to Owners</i>
Reed Construction Data Document Processing Center 30 Technology Parkway South, Suite 500 Norcross, GA 30092-2912 Phone: (203) 426-0450 Fax: (203) 426-4578 Fax addenda to 800 303-8629 www.reedplans.com	<i>Publishes Bidding Opportunities Nation Wide</i> <i>No Charge to Owners</i>
Project Dog Phone: (978) 499-9014 www.projectdog.com	<i>Provides information about bidding opportunities to contractors</i> <i>No Charge to Owners</i>

00.21.25

INSTRUCTIONS TO BIDDERS PDF

- ☐ Reproduce as provided - Do not attempt to revise
- ☐ The document is provided in PDF format.

00.41.25

FORM FOR GENERAL BID PDF



- ☐ This is a statutory form. **The substance of this form cannot be altered.**
- ☐ **Do Not fill in the names, amounts, or bond requirements of any sub-bidder. Bidders are completely responsible for filling out this form. Technical errors could render their bids invalid.**
- ☐ Include one copy of General Bid Form in the Project Manual and include 3 copies in Bid Packets, described on page 3.
- ☐ This document is provided in PDF format

DESIGNERS GUIDE ♦ DHCD FRONT ENDS

• PROCUREMENT AND CONTRACT FORMS

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00.43.99

BIDDER'S CHECKLIST PDF

- ☐ This checklist is provided to help bidders with bid preparation.
- ☐ Include a copy of this checklist in the Bid packets which are given out with the bid documents.
- ☐ This form does not have to be submitted with the bid But if it is it does not void the bid
- ☐ This document is provided in PDF format

CONTRACT FORMS

DHCD Contract Forms and should be included in the Project Manual unedited

The following forms are standard DHCD Contract Forms and should be included in the Project Manual unedited.

- ☐ At the time of Contract Award approval, the DHCD Project Manager will provide copies of each form to the General Contractor with instructions on how to fill them out.
- ☐ The forms are also available on the DHCD web site www.mass.gov/dhcd

DO NOT ALTER THESE FORMS!!

00.52.25

FORM OF OWNER/CONTRACTOR AGREEMENT PDF

00.53.00

FORM OF CORPORATE VOTE PDF

00.61.13.

FORM OF PERFORMANCE BOND PDF

00.61.16

FORM OF PAYMENT BOND PDF

CONDITIONS OF THE CONTRACT

00.72.25**GENERAL CONDITIONS OF CONTRACT** PDF

DHCD has prepared General Conditions that incorporate all of the provisions required by the Massachusetts bid laws as well as other provisions that are typically included in other publications such as those prepared by the AIA.

This is the ONLY acceptable document for use on DHCD funded public housing construction contracts.

DO NOT ALTER THE GENERAL CONDITIONS IN ANY WAY.

The AIA General Conditions are not acceptable for DHCD funded projects.

0073.XX**Other Supplements to the General Conditions**

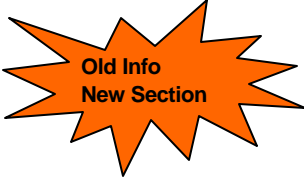
Modifications to the General Conditions require DHCD Project Manager's approval.

Create Supplementary Conditions to make modifications or add supplements.

- ☐ A change in paper color (versus the General Conditions) will make them more noticeable.
- ☐ Items that may warrant Supplemental Conditions would be:
 - ☐ 00.73.10 Mixed Finance Special Requirements
 - ☐ 00.73.23 Relocation Requirements

EEO AND AFFIRMATIVE MARKETING

00.73.36



00.73.36.01

00.73.36.03

EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS PDF

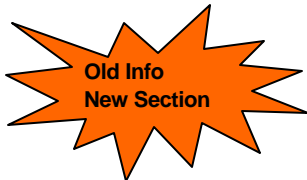
- ☐ Determine if manpower monitoring requirements will be needed for this project. These requirements typically apply to all construction projects.
- ☐ These documents are provided in PDF format for the purposes of preparing the Front End. Contractors have access to the forms on the DHCD Website www.mass.gov/dhcd
- ☐ Reproduce and include these forms in the Project Manual if required.

Form of Contractors Equal Employment Certification PDF

This Subcontractor's Form only needs to be included on projects with filed sub-bids

CONTRACTOR'S WEEKLY MANPOWER REPORT FORM PDF

00.73.39



00.73.39.01

00.73.39.02

00.73.39.05

AFFIRMATIVE MARKETING PROGRAM REQUIREMENTS PDF

- ☐ Determine if MBE/WBE requirements will be needed for this project. The requirements for all contracts are specified in the Advertisement. The Advertisement is the only place the exact requirement is defined.
AMP WAIVERS MUST BE RECEIVED BEFORE ADVERTISING.
- ☐ If there will be NO MBE/WBE requirements for this project the Front End needs to be modified as follows:
 1. *Do not include the requirement in the Advertisement*
 2. *Do Not include Section 00.73.39 in the Contract Documents*
 3. *Modify the Table of Contents appropriately*
 4. *Do not include the next three forms*
- ☐ These documents are provided in PDF format for the purposes of preparing the Front End. Contractors have access to the forms on the DHCD Website www.mass.gov/dhcd
- ☐ Reproduce and include these forms in the Project Manual if AMP is part of this contract.
- ☐ The apparent low general bidder is required to submit the next two forms within 5 working days of the General Bid opening. The Affidavit of Payment is submitted before the Final Payment for Construction.

SOMBWA CERTIFIED MBE/WBE PARTICIPATION SCHEDULE PDF

MBE/WBE LETTER OF INTENT PDF

AFFIDAVIT OF PAYMENT TO MBE/WBE PDF

DESIGNERS GUIDE ♦ DHCD FRONT ENDS

• LABOR REGULATIONS AND PREVAILING WAGES

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00.73.43



LABOR REGULATIONS PDF

This Section includes Prevailing Wage Requirements, Apprenticeship Program Requirements and Worker Training Requirements.

1. Reproduce this section as provided, without modification.
2. Request wage rates **on line** before bidding. www.mass.gov/dos/pwrequest/index.htm
3. The rates must be issued not more than 90 days prior to the first bid opening.
4. Wage Rates must be included in the Project Manual (in this section) and be made part of the Contract per M.G.L. c.149 §§26-27H
5. A copy of the Contractors Certificate of Compliance and Weekly report form should also be included in this section. Both of these forms are available online from the DOS website.

DIVISION ONE

DHCD has a Division One of the Specifications for all projects

This portion of the Front End of the Specifications **will require considerable review and modification**. Some sections contain provisions that differ if the job is modernization or new development.

The general rules for preparing the Division One are:

- ☐ Include every section unless the instructions specifically indicate that it need not be included or if you are instructed by the DHCD reviewer to delete the section.
- ☐ Most of the items requiring investigation or modification are **shaded** in the instructions and /or on the hard copy of the sections or are shown in red on the electronic copy.

01.11.00

SUMMARY OF WORK Word

- ☐ Include each paragraph unless specifically not applicable.
- ☐ Expand this section to explain any circumstances unique to the Project, especially Work under separate Contracts. Be sure the LHA knows its obligations for Work under Separate Contracts.
- ☐ Review Time of Completion with DHCD reviewer who will coordinate with the DHCD Project Manager.
- ☐ **DO NOT LEAVE TIME OF COMPLETION BLANK!!!**

☐ **USE CALENDAR DAYS**



01.22.00

UNIT PRICES Word

Unit Prices can be used in one of **two** ways, discuss with the DHCD Design Reviewer before including Unit Prices in any Contract Documents.

1. **UNIT PRICES PREDETERMINED BY THE DESIGNER:** This method is most commonly used for new development projects and some modernization contracts. Follow these basic guidelines:

- ☐ Use Unit Price items that are necessary for the project and consistent with the:
 1. Work Required
 2. Specifications
 3. Location of Project
 4. Time of year that work will be complete
- ☐ Unit Prices should be established for the job by the cost estimator. DHCD will not provide the Unit Prices.
- ☐ Earthwork Unit Prices should be computed/measured on a “compacted in place at maximum dry density” basis.
- ☐ Review the Unit Prices with the DHCD reviewer.
- ☐ Include the Schedule of Unit Prices in the Project Manual as part of Section 01.22.00.
- ☐ If the actual soil conditions are questionable, prepare specifications that instruct the Bidders to include a specific quantity of the appropriate work item in their base bid. This will minimize the effect of change orders later.

2. **UNIT PRICES PROVIDED BY THE CONTRACTOR AS PART OF A UNIT PRICE BID**

This process is typically used on site work contracts when the work items are well quantified. (For example - paving work) and on some shingle replacement projects. Follow these guidelines if you have a Contract that may be bid using this process:

- ☐ Obtain a sample Unit Price Bid Front End from the DHCD Project Manager.
- ☐ Prepare a Unit Price Bid Form for your project using the sample format.
- ☐ Provide the quantities on the Bid Form before printing.
- ☐ The Unit Prices given will be the basis for computing the Base Bid and any change order work.

01.23.00

ALTERNATES Word

1. Alternates may be requested in appropriate situations, the DHCD reviewer will decide when it is appropriate..
2. DHCD may request Alternates to provide a means to determine the cost of work funded by other sources.
3. The scope of each Alternate must be carefully described on the plans and specifications to assure competitive bidding.

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• DIVISION ONE

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4. Reference each specification section affected.

Check carefully to be sure that all affected specification sections that refer back to this section have been properly cross referenced.

5. Alternates must be accepted in the order listed. Select order carefully, and check wording of each Alternate to avoid having to accept undesirable Alternates to get to necessary Alternates.
6. Alternates not accepted at Award **cannot** be added later by Change Order, there is case law that says this is illegal.
Attempting to do this can be construed as manipulating the outcome of the bid.
7. Delete this section entirely if no Alternates are used.
8. If necessary modify General Bid Forms when Alternates are used. If there are 5 alternates there needs to be 5 lines, one for each alternate.
Bidders are not required to provide information if space is not provided for that information.
9. Avoid mixing unit price bid work with lump sum alternates, it causes confusion during bidding and construction

00.25.13

OR EQUALS – Product Substitutions Word

Reproduce this section as provided. DO not modify. Designers are responsible for their consultant's specification sections and their actions during Construction Admin with regard to this matter.

01.26.00

CONTRACT MODIFICATION PROCEDURES PDF

Reproduce this section as provided. Do not modify.
AIA documents for Change Orders are not acceptable on DHCD projects.

01.29.00

PAYMENT PROCEDURES PDF

Reproduce this section as provided. Do not modify. Contractor payments are a heavily regulated matter and this process has been developed to help fairly and effectively get payments processed within the requirements of Mass Law.

The payment forms included in this section are the preferred documents for processing payments.

01.31.00

PROJECT MANAGEMENT & COORDINATION Word

1. Clarify the need and budget for a Resident Coordinator with the LHA, for Modernization Contracts.
2. Determine if the scope of the work will affect or be disruptive to the residents over the holidays or if there are other Relocation issues that may need to be addressed.

For example, projects around Thanksgiving and Christmas tend to cause controversy.

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3. Also provide for situations where contractors may have to make special arrangements to complete work within a unit in one day or get plumbing facilities available during modernization.
4. This would be the appropriate section to deal with things such as removing and reinstalling window shades or special resident owned items. In instances where relocation or moving Residents Belongings or other Owner's property use this section.

01.33.00

SUBMITTALS, SHOP DRAWINGS, PRODUCT DATA, AND SAMPLES Word

1. With the exception of providing the number of copies for submittals this section should be reproduced as provided.
2. Coordinate this section with the technical specifications, pay particular attention to consultants sections which may have language in that may contradict requirements of this section.

01.45.00

QUALITY CONTROL Word

1. Modify this section to provide for the ability to implement testing services under the Designer's direction. The amount and costs for testing during need to be appropriately balanced to provide for a successful project while effectively using available financial resources
2. Coordinate this section with the technical specifications, pay particular attention to consultants sections which may have language in that may contradict requirements of this section.

01.50.00

TEMPORARY FACILITIES Word

1. **Review this section with DHCD Project Manager to determine what items will be included/deleted.**
2. Be sure of coordination with local utility companies so that bidders will be able to obtain appropriate information for temporary electricity and other utilities.
3. Verify if there will be a Project Sign and get the names correct on the project sign.
4. Decide Which Items you want the contractor to provide, consider:

Most smaller contracts do not need these items so delete as appropriate

- ☐ Office and Trailers
- ☐ Office furniture + equipment
- ☐ Telephones + Plain Paper Fax Machine
- ☐ Toilets
- ☐ Structures/Storage
- ☐ Elevator use
- ☐ Water and Electricity
- ☐ Weather Protection and Heat; and

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01.73.29

CUTTING AND PATCHING Word

1. Reproduce as provided, unless modification is needed to accommodate special conditions on the project.

The intent is to have the General Contractor in **Complete** control of Cutting and Patching.

2. Coordinate this section with technical specifications, pay particular attention to consultants who may have language in technical section(s) that may contradict requirements of this section

01.74.13

PROGRESS CLEANING FINAL CLEANING Word

Review and add/delete any appropriate paragraph. Coordinate with Construction Waste Management

01.74.19

CONSTRUCTION WASTE MANAGEMENT AND DISPOSAL Word

Incorporate requirements developed with a Waste Management Consultant when required in the RFS.

01.77.00

CLOSE OUT PROCEDURES Word

Include this section in the Project Manual as provided. This section provides for all of the completion Items required by MGL c.149 which are also described in the Construction Handbook. Also include any special requirements that may apply to this contract or special requests from the LHA.

Include requirements for Owners Manuals and Training of Owners Personnel.

01.78.29

FINAL SURVEYS, Word

If surveys are not required delete or modify this section

1. Foundation Survey

Use this section if this is a new project with new foundations, some towns will only issue a foundation permit and will require this survey before they issue the final building permit

2. Septic System Survey.

Use or revise this section as appropriate.

If the project has a septic system determine if the Local Board of Health requires a registered survey before the new system can be backfilled and if it does incorporate that requirement into the Contract Documents

Determine this requirement before bidding

01.78.39**PROJECT RECORD DRAWINGS** Word

Modify this section to provide the LHA with adequate records for future maintenance and Modernization projects.

Generally the contract should require the Contractor to provide the Designer with marked up drawings indicating the As Built conditions. The Designer will transfer the As Built information to a final set of drawings which will ultimately be provided to the LHA in an electronic format and in hardcopy.

The Designer will be reimbursed, as provided in the Contract for Designer Services, for the out of pocket costs for providing these documents to the LHA. The costs for drafting are part of Basic Services.

01xxx**OTHER**

1. If other Division 1 sections, unique to this project, are necessary, review with DHCD Project Manager.
2. Use similar format, when applicable, for example:
 - ☐ Measurement and Payment of Unit Price work
 - ☐ Comprehensive Permit Conditions;
 - ☐ Conservation Commission Order of Conditions; and
 - ☐ Similar documents.

02.06.00

EXISTING CONDITIONS Word

IT IS THE DESIGNER'S JOB TO DESIGN THE PROJECT

DO NOT ASSUME THAT BECAUSE SOIL EXPLORATION OR EXISTING BUILDING EXPLORATION DATA IS MADE AVAILABLE AS PART OF THE PLANS THAT BIDDERS WILL INCLUDE WORK IN THEIR BID THAT EXCEEDS YOUR DESIGN REQUIREMENTS.

BIDDERS WILL BID PRECISELY UPON THE DESIGN

This provides the concept of EQUAL FOOTING

4. **DO NOT** rely on catch - all phrases to inform Contractors that they are responsible for unknown existing conditions.
5. Indicate the reliability of the information presented in this section. MGL c30 § 39N afford Contractors considerable protection against less than clear and thorough Contract Documents

02.06.13

Existing Subsurface Conditions

1. Be sure to indicate ground water level in this section.
2. If borings/test pits are taken during dry periods, this should be noted and a higher groundwater level should be stated in this section.
3. This section can be modified if all boring/test pit information or existing building information is on the drawings.

02.06.20

Existing Building Conditions

02.06.23

Existing Asbestos Conditions

02.06.26

Existing Lead Based Paint

02.06.33

Existing Mold Conditions